

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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AMERICAN FEDERATION OF STATE, Case No. 1:12-cv-02237 JPO
COUNTY AND MUNICIPAL EMPLOYEES :
DISTRICT COUNCIL 37 HEALTH & SECURITY Honorable J. Paul Oetken
PLAN and SERGEANTS BENEVOLENT :
ASSOCIATION HEALTH AND WELFARE :
FUND, :

Plaintiffs, :

- against - :

PFIZER INC., :

Defendant. :
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DEFENDANT PFIZER INC.'S MOTION TO DISMISS

Defendant Pfizer Inc. ("Pfizer") hereby moves to dismiss the First Amended Class Action Complaint ("Compl.") pursuant to Federal Rules of Civil Procedure 12(c) and 9(b) for failure to state a claim upon which relief may be granted and for failure to plead fraud with particularity. For the reasons set forth in the accompanying memorandum of law submitted with this motion, Pfizer respectfully asks that the Complaint be dismissed with prejudice.

Dated: New York, New York
October 16, 2012

Respectfully submitted,

By: /s/ Sheila L. Birnbaum
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